

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Anthony Santangelo & Aimee Santanelgo  
4366 Merchant Avenue  
Spring Hill, FL 34608

(b) County of Residence of First Listed Plaintiff Hernando  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Law Offices of Craig A. Altman, P.C.  
19 S. 21st Street, Philadelphia, PA 19103  
215-569-4488

**DEFENDANTS**

United States of America  
Philadelphia VA

County of Residence of First Listed Defendant Philadelpia  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input checked="" type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C 1346

Brief description of cause:  
failure to diagnose cancer

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

10,000,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE 03/24/2016 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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ANTHONY SANTANGELO :

4366 Merchant Avenue :

Spring Hill, FL 34608 :

& :

AIMEE SANTANGELO :

4366 Merchant Avenue :

Spring Hill, FL 34608 :

v. :

: CIVIL ACTION

: NO.

THE UNITED STATES OF AMERICA :

c/o The United States Attorney for the :

Eastern District of Pennsylvania :

: **JURY TRIAL DEMANDED**

615 Chestnut Street :

Suite 1250 :

Philadelphia, PA 19106 :

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**I. JURISDICTION AND VENUE**

1. This action arises under 28 U.S.C. §1346(b), as Plaintiff is seeking recovery against the United States of America for personal injuries.

2. Plaintiff has complied with the requirements of the Federal Tort Claims Act; Plaintiff has filed his claim, via a Standard Form 95 on June 30, 2015, and the federal government has failed to respond within six months.

3. Venue for this action is proper in this Court under 28 U.S.C. §1391 as the events giving rise to Plaintiff's claims occurred within the territorial limits of the United States District Court for the Eastern District of Pennsylvania.

**II. PARTIES**

4. Plaintiff, Anthony Santangelo (hereinafter referred to as "Plaintiff") is an adult

individual and citizen of the State of Florida residing at 4366 Merchant Avenue, Spring Hill, Florida 34608.

5. Plaintiff, Aimee Santangelo (hereinafter referred to as “Plaintiff Wife”) is an adult individual and citizen of the State of Florida residing at 4366 Merchant Avenue, Spring Hill, Florida 34608.

6. Defendant, United States of America (hereinafter referred to as the “Defendant”), is a proper party to this case pursuant to the Federal Tort Claims Act in that the Defendant employed the doctors who took care of Plaintiff during the relevant time period, specifically Dr. John J. Murphy, Plaintiff’s primary care physician, and Dr. Lynette Goodstine, Plaintiff’s primary care physician, and the other physicians who provided care to Plaintiff while he was a patient at the Philadelphia Department of Veterans Affairs Medical Center (hereinafter referred to as the “Philadelphia VA”) located at 3900 Woodland Avenue, Philadelphia, PA 19104.

### **FACTS**

7. From 1980 to 1983 Plaintiff served as a member of the United States Marine Corps, received the Navy Achievement Medal in 1983, and received an honorable discharge.

8. As part of Plaintiff’s service in the armed forces he received the benefits of medical care at the VA Hospital in San Diego. In approximately 1984 Plaintiff transferred his medical care to the VA Hospital in Philadelphia.

9. From 2003 through 2013 Plaintiff was receiving his medical and psychological care at the Philadelphia VA Hospital.

10. On or about September 4, 2003, a routine screening PSA was obtained with a result of 4.26 (hereinafter referred to as the “September 2003 PSA”).

11. On or about September 17, 2003, Dr. Murphy, Plaintiff’s primary care physician,

indicated the necessity for a referral to general urology for further evaluation regarding the September 2003 PSA.

12. On or about December 10, 2003, Dr. Goodstine, Plaintiff's primary care physician, once again indicated the necessity for a referral to general urology for further evaluation regarding the September 2003 PSA.

13. On or about March 9, 2004, Dr. Murphy, Plaintiff's primary care physician, once again indicated the necessity for a referral Plaintiff to general urology for further evaluation regarding the September 2003 PSA.

14. Plaintiff never received a urological evaluation specific to the September 2003 PSA.

15. Plaintiff never received a biopsy following the September 2003 PSA.

16. Plaintiff was never informed by his primary care physicians, Dr. Murphy and Dr. Goodstine, about the elevated findings from the September 2003 PSA, nor about the need for a urological consult.

17. Plaintiff's primary care physicians, Dr. Murphy and Dr. Goodstine, did not follow up with general urology to determine if Plaintiff was ever provided with an evaluation and/or biopsy as a result of their respective referrals following the September 2003 PSA.

18. Plaintiff was seen by urology and his primary care physicians, Dr. Murphy and Dr. Goodstine, on multiple visits subsequent to the September 2003 PSA wherein Plaintiff had consistent complaints of low back pain.

19. Plaintiff did not receive a PSA exam in 2004, 2005, or 2006.

20. On or about June 22, 2007 Plaintiff's PSA level was 1.92.

21. On or about January 18, 2008 Plaintiff's PSA level was 1.93.

22. On or about October 28, 2008 Plaintiff's PSA level was 2.38.

23. Plaintiff did not receive a PSA exam in 2009.

24. On or about September 28, 2010 Plaintiff's PSA level was 2.61.

25. Plaintiff did not receive a PSA exam in 2011, 2012, or 2013.

26. Plaintiff consistently complained of back pain between 2001 – 2013.

27. Plaintiff was seen on numerous occasions by neurology and neurosurgery for his consistent back pain complaints.

28. Plaintiff received a lumbar MRI in 2001 that was described by neurology as “non-specific”.

29. Comparative lumbar MRI's were recommended but never provided to Plaintiff.

30. No alternative diagnosis for the cause of Plaintiff's back pain was investigated by Plaintiff's physicians despite the fact that the objective findings from Plaintiff's lumbar MRI did not corroborate the subjective complaints of pain Plaintiff was exhibiting.

31. Plaintiff's physicians believed Plaintiff was displaying drug seeking behavior and embellishing his symptoms of pain in order to obtain pain medication.

32. On or about May 9, 2014, at the Tampa VA, a routine screening PSA was obtained with a result of 4.60 (hereinafter referred to as the “May 2014 PSA”).

33. On or about July 23, 2014, at the Tampa VA, Plaintiff received a “right base” biopsy which revealed prostatic adenocarcinoma.

34. On or about August 11, 2014, at the Tampa VA, Plaintiff received a full body bone scan that revealed “scintigraphic abnormality at junction of left L2 pedicle and facet joint is nonspecific and could represent facet arthropathy or metastatic disease depending on more precise anatomic localization localization.”

35. On or about September 4, 2014, Plaintiff was diagnosed with metastatic prostatic adenocarcinoma as a result of an L2 vertebral body bone scan.

36. Plaintiff was diagnosed with Stage IV prostate cancer.

37. On or about January 16, 2015, the Department of Veterans Affairs issued a rating decision that found, in part, "Compensation for prostate cancer is established because this disability was caused by having submitted to a VA medical examination. Your examiner stated that VAMC Philadelphia was negligent in their screening and testing for this condition and did not follow proper protocols. This conclusion is supported by the evidence documented in the Philadelphia VAMC records indicating the Veteran's chronic low back pain was attributed to spondylolisthesis and lack of documentation of appropriate Prostate Cancer screening. On the initial evaluation at the Tampa VAMC, on 11/21/13, the clinician recognized that there was no record of Prostate Specific Antigen testing from the Philadelphia VAMC. ... The records prior to transfer to the Tampa FL VAMC do not indicate that there was shared decision making for prostate cancer screening including evaluation with testing for prostate specific antigen testing. Of note also, is that the Veteran's chronic back pain was attributed to and treated for the Veteran servic[e]-connected lumbar spine condition, until a bone scan performed at Tampa VAMC to stage the prostate cancer revealed a metastatic lumbar lesion."

38. As a direct and proximate result of the negligence and carelessness of Defendant, as described below, Plaintiff suffered injuries and damages including but not limited to, a worsening and spreading of prostate cancer into his spinal cord, decreased life expectancy, lost chance of cure, and more drastic medical modalities to treat his advanced cancer.

39. As a direct and proximate result of the negligence and carelessness of Defendant, as described below, Plaintiff suffered excruciating and agonizing physical pain, and great

emotional distress, and will continue to so suffer for an indefinite time into the future, all to his great detriment and loss.

40. As a direct and proximate result of the negligence and carelessness of Defendant, as described below, Plaintiff has incurred bills for medical care in an effort to treat his injuries and will be required to incur such sums for an indefinite time into the future.

41. As a further direct and proximate result of the negligence and carelessness of Defendant, as described below, Plaintiff has been and will be prevented from attending to his usual and daily activities and avocations, all to his great detriment and loss.

42. As a further direct and proximate result of the negligence and carelessness of Defendant, as described below, Plaintiff has sustained a loss of life's pleasures and will continue to suffer in the future, to his great detriment and loss.

43. As a direct and proximate result of the negligence and carelessness of Defendant, as described below, Plaintiff's Wife has sustained a loss of life's pleasure, including but not limited to, the emotional and physical support of Plaintiff, and attending to her usual and daily activities and avocations, and will continue to suffer in the future, to her great detriment and loss.

### **III. CLAIMS FOR RELIEF**

#### **COUNT I**

#### **ANTHONY SANTANGELO V. UNITED STATES OF AMERICA**

44. Plaintiff incorporates by reference all of the allegations contained in the preceding paragraphs, as though same were set forth herein entirely.

45. At all times relevant hereto, the physicians, residents, interns, externs, nurses, technicians and like personnel, including Dr. John J. Murphy, M.D. and Lynette Goodstine, M.D., and any other primary care physician, in connection with the rendering of treatment to



Plaintiff, were acting as the sole or joint agents, servants, and/or employees of Defendant, through their position at the Philadelphia VA, in the course and scope of their employment.

46. In the care and treatment of Plaintiff, Defendant, through its agents, servants and/or employees, was negligent and careless in the following respects:

- (a) failing to take a full and accurate history from Plaintiff;
- (b) failing to perform a full and complete physical examination on Plaintiff;
- (c) failing to order necessary diagnostic studies to assess Plaintiff's condition;
- (d) failing to interpret diagnostic studies correctly;
- (e) failing to make appropriate and timely recommendations for further care;
- (f) failing to notify Plaintiff that he received the September 2003 PSA exam;
- (g) failing to notify Plaintiff that the September 2003 PSA was elevated;
- (h) failing to follow-up with general urology to ensure Plaintiff was evaluated regarding the September 2003 PSA;
- (i) failing to follow-up with general urology to ensure Plaintiff received a biopsy following the September 2003 PSA;
- (j) failing to communicate between primary care physician and urology department in a clear, timely, and efficient manner so as to ensure proper evaluations of Plaintiff;
- (k) failing to provide Plaintiff with a PSA exam in 2004;
- (l) failing to provide Plaintiff with a PSA exam in 2005;
- (m) failing to provide Plaintiff with a PSA exam in 2006;
- (n) failing to appreciate and act appropriately on Plaintiff's rising PSA between 2007-2008;



- (o) failing to inform Plaintiff of his rising PSA between 2007-2008;
- (p) failing to provide Plaintiff with a PSA exam in 2009;
- (q) failing to appreciate and act appropriately on Plaintiff's rising PSA in 2010;
- (r) failing to inform Plaintiff of his rising 2010 PSA;
- (s) failing to provide Plaintiff with a PSA exam in 2011;
- (t) failing to provide Plaintiff with a PSA exam in 2012;
- (u) failing to provide Plaintiff with a PSA exam in 2013;
- (v) failing to appreciate and act appropriately on Plaintiff's consistent complaints on back pain;
- (w) failing to investigate alternative diagnosis' for Plaintiff's back pain;
- (x) failing to appreciate Plaintiff's unique mental condition given his previous psychiatric diagnosis and to act accordingly within the standard of care;
- (y) failing to inform Plaintiff of his true medical condition.

47. The above acts and omissions on the part of Defendant were careless and negligent and were the factual cause of the physical and emotional harm to Plaintiff.

48. The above acts and omissions on the part of Defendant were careless and negligent and increased the risk of harm and injuries suffered by Plaintiff.

WHEREFORE, Plaintiff Anthony Santangelo demands judgment against Defendant, the United States of America, for compensatory damages together with lawful interest thereon and costs of suit and brings this action to recover same.

## **COUNT II**

### **AIMEE SANTANGELO V. UNITED STATES OF AMERICA**


49. Plaintiff's Wife incorporates by reference all of the allegations contained in the

preceding paragraphs, as though same were set forth herein entirely.

50. The carelessness and negligence of Defendant, through their sole or joint agents, servants, and/or employees, through their position at the Philadelphia VA, while in the course and scope of their employment, resulted in Plaintiff's Wife being deprived of the aide, comfort, society, companionship and consortium of her husband, Plaintiff, Anthony Santangelo, all to her great loss and detriment.

WHEREFORE, Plaintiff Aimee Santangelo demands judgment against Defendant, the United States of America, for compensatory damages together with lawful interest thereon and costs of suit and brings this action to recover same.

**LAW OFFICES OF CRAIG A. ALTMAN, P.C**

BY:   
CRAIG A. ALTMAN, ESQUIRE  
ELI S. LEVINE, ESQUIRE  
Attorneys for Plaintiffs

VERIFICATION

I, Eli S. Levine, Esquire, hereby state I am the attorney for the plaintiff in this action. I verify that the statements made in the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that the statement made in said document are made subject to the penalties of 18 Pa.C.S. sec. 4904 relating to unsworn falsifications to authorities.

A handwritten signature in black ink, appearing to read 'Eli S. Levine', is written over a horizontal line.

Dated: 3/24/16

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
PENNSYLVANIA

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ANTHONY SANTANGELO :

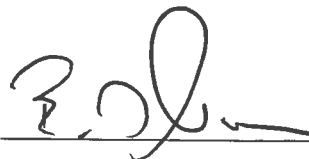
v. :

PHILADELPHIA VETERANS :  
ADMINISTRATION MEDICAL :  
CENTER :

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**CERTIFICATE OF MERIT AS TO JOHN J. MURPHY, M.D., AND LYNETTE  
GOODSTINE, M.D.**

I, Dr. Bruce D. Charash, M.D., hereby swear and affirm that I am a licensed medical practitioner. I am familiar with the facts and circumstances surrounding the failure to diagnose and/or treat prostatic adenocarcinoma and metastatic prostatic adenocarcinoma at L2 vertebral body which occurred to Anthony Santangelo while under the continuous care of the Philadelphia Veterans Administration Medical Center, the diagnosis of the above occurring on or about August 7, 2014. I further swear and affirm that there exists a reasonable probability that the care, skill or knowledge exercised or exhibited in the treatment, practice or work by the Philadelphia Veterans Administration Medical Center and it's agents, servants, workmen and/or employees that is the subject of the complaint, fell outside the professional or occupational standards or treatment practices.



Dr. Bruce D. Charash, M.D.

Dated: 2/11/16

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 4366 Merchant Avenue, Spring Hill, FL 34608  
 Address of Defendant: 615 Chestnut St., Philadelphia, PA 19106  
 Place of Accident, Incident or Transaction: 3900 Woodland Avenue, Philadelphia, PA 19104  
 (Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
 Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
 Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
 Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  
 Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases  
 (Please specify) \_\_\_\_\_

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☒ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases  
 (Please specify) Medical Malpractice

### ARBITRATION CERTIFICATION

(Check Appropriate Category)

- I, Eli S. Levine, counsel of record do hereby certify:
- ☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 3/24/16 Eli S. Levine 309475  
 Attorney-at-Law Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 3/24/16 Eli S. Levine 309475  
 Attorney-at-Law Attorney I.D.#

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

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 Address of Defendant: 615 Chestnut St., Philadelphia, PA 19106  
 Place of Accident, Incident or Transaction: 3900 Woodland Avenue, Philadelphia, PA 19104  
 (Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?  
 (Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities? Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases  
 (Please specify) \_\_\_\_\_

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☒ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases  
 (Please specify) Medical Malpractice

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Eli S. Levine, counsel of record do hereby certify:  
☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;  
☐ Relief other than monetary damages is sought.

DATE: 3/24/16 Eli S. Levine 309475  
 Attorney-at-Law Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 3/24/16 Eli S. Levine 309475  
 Attorney-at-Law Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

Anthony Santangelo	:	CIVIL ACTION
&	:	
Aimee Santangelo	:	
v.	:	
The United States of America	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (✓)

3/24/16  
Date

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**Civil Justice Expense and Delay Reduction Plan  
Section 1:03 - Assignment to a Management Track**

- (a) The clerk of court will assign cases to tracks (a) through (d) based on the initial pleading.
- (b) In all cases not appropriate for assignment by the clerk of court to tracks (a) through (d), the plaintiff shall submit to the clerk of court and serve with the complaint on all defendants a case management track designation form specifying that the plaintiff believes the case requires Standard Management or Special Management. In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.
- (c) The court may, on its own initiative or upon the request of any party, change the track assignment of any case at any time.
- (d) Nothing in this Plan is intended to abrogate or limit a judicial officer's authority in any case pending before that judicial officer, to direct pretrial and trial proceedings that are more stringent than those of the Plan and that are designed to accomplish cost and delay reduction.
- (e) Nothing in this Plan is intended to supersede Local Civil Rules 40.1 and 72.1, or the procedure for random assignment of Habeas Corpus and Social Security cases referred to magistrate judges of the court.

**SPECIAL MANAGEMENT CASE ASSIGNMENTS  
(See §1.02 (e) Management Track Definitions of the  
Civil Justice Expense and Delay Reduction Plan)**

Special Management cases will usually include that class of cases commonly referred to as "complex litigation" as that term has been used in the Manuals for Complex Litigation. The first manual was prepared in 1969 and the Manual for Complex Litigation Second, MCL 2d was prepared in 1985. This term is intended to include cases that present unusual problems and require extraordinary treatment. See §0.1 of the first manual. Cases may require special or intense management by the court due to one or more of the following factors: (1) large number of parties; (2) large number of claims or defenses; (3) complex factual issues; (4) large volume of evidence; (5) problems locating or preserving evidence; (6) extensive discovery; (7) exceptionally long time needed to prepare for disposition; (8) decision needed within an exceptionally short time; and (9) need to decide preliminary issues before final disposition. It may include two or more related cases. Complex litigation typically includes such cases as antitrust cases; cases involving a large number of parties or an unincorporated association of large membership; cases involving requests for injunctive relief affecting the operation of large business entities; patent cases; copyright and trademark cases; common disaster cases such as those arising from aircraft crashes or marine disasters; actions brought by individual stockholders; stockholder's derivative and stockholder's representative actions; class actions or potential class actions; and other civil (and criminal) cases involving unusual multiplicity or complexity of factual issues. See §0.22 of the first Manual for Complex Litigation and Manual for Complex Litigation Second, Chapter 33.